UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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September 14, 2007

Ref: EPR-N

Richard M. Hotaling
Field Manager
Bureau of Land Management
Butte Field Office
106 North Parkmont
Butte, MT 59701

Richard H. Opper
Director
State of Montana
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620

Re: Golden Sunlight Mine Pit Reclamation
Final Supplemental EIS

Dear Mssrs. Hotaling and Opper:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency Region 8 (USEPA) has reviewed the *Golden Sunlight Mine (GSM) Pit Reclamation Final Supplemental Environmental Impact Statement* (FSEIS). This FSEIS assesses the technical merits and feasibility of alternative reclamation plans, as well as assessing the potential impacts to groundwater resources predicted to occur with the alternatives. USEPA was a Cooperating Agency in this SEIS and was actively involved with developing methodologies, reviewing technical reports, and offering potential solutions to technical problems until the publication of the Draft SEIS.

Our review of the FSEIS found improvements to the information available and in the understanding of hydrology and hydrogeology in the project area compared to the draft SEIS. USEPA remains neutral regarding whether the GSM pit should be backfilled or closed as an open excavation. USEPA will support any alternative that protects Montana's natural resources. Based on our detailed involvement in this project, and our review of the FSEIS, we believe the Agencies can avoid adverse impacts to receiving water quality with a backfilled pit alternative or with the underground sump alternative. USEPA recognizes the substantial difference in cost among the alternatives. We also recognize the lead Agencies have many complex factors to consider in making the decision on how to close the pit.

USEPA remains interested that the Agencies provide a fair and comprehensive analysis of the mitigation measures necessary to support all alternatives. The hydrologic modeling supporting the FSEIS indicates that pit backfill alternatives may adversely affect the Jefferson River alluvial aquifer. USEPA has several concerns with this conclusion. First, the hydrologic model and the assumptions used for this project have not undergone independent peer review. Second, the predicted amount of water inflow to the pit has risen almost threefold since the Draft SEIS. Yet neither the new information supplied by GSM on which pit inflow predictions are based, nor the water balance itself are included in this FSEIS to allow public review. We believe the almost 300 percent increase in the pit inflow assumption is key to the changed model results for the pit backfill alternative. Third, the mitigation measures listed in the FSEIS do not include all of the water control measures suggested by USEPA for the pit backfill alternative. The FSEIS does not fully evaluate the feasibility of capturing ground-water inflow to the pit. This has potentially reduced the likelihood that alternative would be protective. Furthermore, the FSEIS states on page 6-27, "The agencies have concluded that monitoring and upgrading the capture system would have to continue to prevent impacts from metals to the Jefferson River alluvial aquifer at the mixing zone boundary." This conclusion indicates that protection of the aquifer is possible even with the conservative modeling assumptions used in this FSEIS. Fourth, we do not concur with the conclusions, based on the modeling, related to metals loading and the predicted concentrations in the Jefferson River alluvial aquifer. Given the uncertainty involved in any model-based decision, we recommend continued groundwater monitoring, and upgrading the water control and capture systems as needed, under any alternative.

We do not think the Agencies have made full public disclosure of the potential reclamation costs for the underground sump alternative. Costs for those mitigation measures (page 4-177) associated with long-term maintenance for access to the underground sump collection facility will require a substantial capital investment and contingency allowance. The FSEIS did not discuss if adequate financial assurance will be made available or what the impact would be if all the mitigation measures were not fully implemented.

Based on the need for perpetual treatment to meet water quality standards under all alternatives, and on the possibility that future economic conditions could not sustain treatment, USEPA continues to have concerns about the long-term environmental impacts from the preferred mine reclamation plan and its alternatives. USEPA will support any alternative that proves sustainable in protecting Montana's natural resources and that complies with applicable laws and regulations for protecting environmental resources. Thank you for continuing to consider our input. If you have any questions or would like to discuss our comments, please contact me (303-312-6004) or James Hanley (303-312-6725) of my staff.

Sincerely,

/s/ Deborah Lebow
for Larry Svoboda
Director, NEPA Program
Office of Ecosystems Protection
and Remediation

cc: Patrick Plantenberg – MDEQ
Greg Hallsten - MDEQ
R. David Williams – BLM Butte FO
Stephen Potts, USEPA MOO